

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
IN CLERKS OFFICE

2005 SEP 28 P 45

STONINGTON VINEYARDS, INC.,  
ROBERTA WOLMAN and NICK PAPAS,MASSACHUSETTS DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Plaintiffs,

v.

CIVIL ACTION  
NO. 05-CV-10982-JLTEDDIE J. JENKINS, in his official capacity as  
Chairman of the Massachusetts Alcoholic  
Beverages Control Commission, et al.,

Defendants.

**STATE DEFENDANTS' MOTION TO CERTIFY QUESTION  
OF LAW TO MASSACHUSETTS SUPREME JUDICIAL COURT**

The defendants Eddie J. Jenkins, in his official capacity as Chairman of the Massachusetts Alcoholic Beverages Control Commission, and Suzanne Iannella and Robert H Cronin, as Associate Commissioners of the Massachusetts Alcoholic Beverages Control Commission, (the "State Defendants"), request that, to the extent this Court finds aspects of the Massachusetts Liquor Control Act, G.L. c. 138, § 1 et seq., to be unconstitutional, that it certify question of law to the Massachusetts Supreme Judicial Court pursuant to SJC Rule 1:03. Specifically, the State Defendants request that this Court certify to the Supreme Judicial Court the following question:

Whether the Massachusetts Liquor Control Act, G.L. c. 138, § 1 et seq., which has been held by this Court to violate the Commerce Clause in certain respects, see Granholm v. Heald, 125 S. Ct. 1885 (2005), should be severed so as to eliminate the current authority for the direct sale and shipping of wine by farm-wineries or so as to eliminate the current prohibition on direct sale and shipping by out-of-state wineries.

For further elaboration upon these grounds, the State Defendants respectfully refer the

Court to the Memorandum of Law in Support of State Defendants' Opposition to Plaintiffs' Motion for Judgment on The Pleadings and Motion to Certify Question of Law submitted herewith.

Respectfully submitted,

By their attorneys,

THOMAS F. REILLY  
ATTORNEY GENERAL

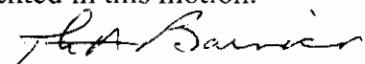


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Dated: September 28, 2005

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I certify that I conferred with plaintiff's counsel on September 26, 2005 and that we attempted in good faith to resolve or narrow the issues presented in this motion.



Thomas A. Barnico  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the document was served upon the attorney record for each other party by mail (by t

on 9/28/05

